

## Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 CIAE-00 DODE-00 INRE-00

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FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 5347

S E C R E T SECTION 1 OF 2 MOSCOW 14433

EXDIS

E. O. 11652: XGDS-3

TAGS: PARM, US, UR

SUBJ: TTBT/PNE NEGOTIATIONS: WORKING GROUP ONE MEETING, 10/9/75

TTBT/PNE DELEGATION MESSAGE NO 37

1. REPORT OF MEETING WORKING GROUP I (TREATY TEXT)

BUCHHEIM, MCALLISTER WITH TIMERBAEV, NOVIKOV, MILKO,  
ALEKSANDROV AT 11:00 A.M., OCTOBER 9.

2. SUMMARY. BUCHHEIM OFFERED COMMENTS AND QUESTIONS ABOUT SOVIET TREATY ARTICLES. TIMERBAEV SAID US TITLE OF DRAFT IS ACCEPTED BY SOVIETS. TIMERBAEV SAID INTRODUCTORY LANGUAGE IN US ARTICLE III AND SOVIET ARTICLE II HAVE SIMILAR BUT NOT IDENTICAL MEANINGS. CONCERNING US ARTICLE IV, TIMERBAEV SAID SOVIETS AGREE THERE SHOULD NOT BE WEAPONS RELATED BENEFITS FROM PNES BUT THAT THIS SHOULD BE DECLARED IN PREAMBLE AND NOT MADE SUBJECT OF OPERATIVE ARTICLE. AGREED BOTH SIDES WOULD TRY TO DRAW UP COMPARATIVE JOINT DRAFT TEXT TO EXAMINE ON OCTOBER 10. AFTER MEETING, AGREED TO RESTRICTED MEETING AT 10:30 AM, OCTOBER 10 TO DISCUSS BASIC PROBLEMS IN SOVIET DRAFT PROTOCOL ARTICLE IV. END SUMMARY.

3. BUCHHEIM SPOKE FROM FOLLOWING TALKING POINTS:

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(1) US TITLE FOR TREATY IS USED IN PREAMBLE TO SOVIET

PROPOSAL. IS US TITLE NOW ACCEPTED FOR JOINT DRAFT?

(2) NO COMMENT AT THIS TIME ON PREAMBLE PARAGRAPHS WHICH MENTION ARTICLE III OF 1974 TEST BAN TREATY. SUGGEST THAT JOINT DRAFT BE SUBMITTED TO DELEGATIONS GIVING BOTH US AND SOVIET LANGUAGE AS UNRESOLVED ALTERNATIVE FORMULATIONS.

(3) NO COMMENT AT THIS TIME ON PREAMBLE PARAGRAPHS WHICH MENTION TEST BAN TREATY OF 1963 AND NON-PROLIFERATION TREATY. SUGGEST THAT JOINT DRAFT BE SUBMITTED TO DELEGATIONS GIVING BOTH US AND SOVIET LANGUAGE AS UNRESOLVED ALTERNATIVE FORMULATIONS. FACT THAT THESE PARAGRAPHS APPEAR IN A DIFFERENT SEQUENCE IN THE TWO DRAFTS CAN BE MENTIONED IN A FOOTNOTE.

(4) PREAMBLE PARAGRAPH BEGINNING "DESIRING TO ASSURE..." IS IDENTICAL IN TWO DRAFTS.

(5) PREAMBLE PARAGRAPH BEGINNING "SEEKING THAT UTILIZATION..." IN SOVIET DRAFT IS NOT ACCEPTED BY US SIDE AT THIS TIME. INTENDED MEANING IS NOT YET CLEAR TO US.

(6) PREAMBLE PARAGRAPH BEGINNING "ANXIOUS TO PROMOTE ..." IN SOVIET DRAFT. WE HAVE NOT YET COMPLETED DEVELOPMENT OF OUR COMMENTS ON THIS PARAGRAPH.

(7) ARTICLE I OF US DRAFT. WE WISH TO RETAIN THIS ARTICLE. SOVIET DRAFT DOES NOT PROVIDE, IN AN OPERATIVE ARTICLE, FOR ACKNOWLEDGEMENT THAT THIS TREATY HAS BEEN CONCLUDED PURSUANT TO ARTICLE III OF THE 1974 TEST BAN TREATY. AS REFLECTED IN ARTICLE IV OF THE SOVIET DRAFT, THERE IS AGREEMENT THAT THE AGREED LIMITATIONS AND VERIFICATION PROVISIONS ARE TO BE EFFECTIVE WITH RESPECT TO ALL UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES CONDUCTED AFTER MARCH 31, 1976.

(8) ARTICLE II OF US DRAFT AND ARTICLE I OF SOVIET DRAFT ARE IDENTICAL FROM BEGINNING THROUGH DEFINITION OF "EXPLOSIVE." SUGGEST THAT REMAINING LANGUAGE BE SHOWN IN BOTH VERSIONS AS UNRESOLVED ALTERNATIVE FORMULATIONS PENDING DISCUSSION OF ALL DEFINITIONS BY WORKING GROUP II.

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(9) ARTICLE III OF US DRAFT AND ARTICLE II OF SOVIET DRAFT, WHICH SET FORTH THE BASIC LIMITATIONS, INTRODUCE THE SPECIFIC LISTS OF LIMITATIONS WITH DIFFERENT FORMULATIONS. THE US SIDE WISHES TO RETAIN THE FORMULATION IN THE US DRAFT. WE ALSO WISH TO ASK IF THE SOVIET SIDE CONSIDERS THE TWO FORMULATIONS TO HAVE IDENTICAL MEANINGS?

(10) THE US SIDE HAS NOT YET COMPLETED DEVELOPMENT OF ITS

COMMENTS ON THE SPECIFIC LIMITATIONS STATED IN ARTICLE II  
OF THE SOVIET DRAFT.

(11) THE SOVIET DRAFT DOES NOT CONTAIN ANY OPERATIVE ARTICLE  
CORRESPONDING TO ARTICLE IV IN THE US DRAFT. WE HAVE DISCUSSED  
THIS MATTER SOMEWHAT ALREADY. THE US SIDE IS PREPARED TO  
AMEND THE LANGUAGE OF THIS ARTICLE TO ACHIEVE GREATER CLARITY.  
IS THE SOVIET SIDE PREPARED TO JOIN IN DEVELOPMENT OF SUITABLE  
LANGUAGE FOR AN ARTICLE WITH THE MEANING WE INTEND?

(12) ARTICLE II OF THE SOVIET DRAFT CONTAINS MOST OF THE  
LANGUAGE OF ARTICLE V AND ARTICLE VII PARAGRAPH 1. THE US  
SIDE HAS NOT YET COMPLETED DEVELOPMENT OF ITS COMMENTS ON  
THE AMENDMENTS PROPOSED BY THE SOVIET SIDE.

(13) THE SOVIET DRAFT DOES NOT CONTAIN ANY OPERATIVE ARTICLE  
CORRESPONDING TO ARTICLE VI OF THE US DRAFT. THE TWO SIDES  
WILL NEED TO COMPARE THEIR VIEWS ON THIS IMPORTANT MATTER IN  
DETAIL.

(14) ARTICLE IV OF THE SOVIET DRAFT, AS WE UNDERSTAND IT, IS  
INTENDED TO CONVEY THE SAME MEANING AND OBLIGATIONS AS THE  
REFERENCE TO THE DATE MARCH 31, 1976, IN ARTICLE I OF THE  
US DRAFT.

(15) THE US SIDE HAS NOT YET COMPLETED DEVELOPMENT OF ITS  
COMMENTS ON ARTICLES V AND VI OF THE SOVIET DRAFT. THE  
NEAREST CORRESPONDING PORTION OF THE US DRAFT IS ARTICLE  
VII PARAGRAPH 2.

(16) ARTICLE VIII IN THE US DRAFT, IN OUR VIEW, MORE PROPERLY  
PROVIDES FOR AMENDMENTS AND AMENDMENT PROCEDURES THAN DOES  
ARTICLE VII PARAGRAPH 2 OF THE SOVIET DRAFT.

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(17) ARTICLE IX OF THE US DRAFT, IN OUR VIEW, ESTABLISHES  
MORE APPROPRIATE PROVISIONS THAN THOSE IN ARTICLE VII OF THE  
SOVIET DRAFT

(18) ARTICLE X OF THE US DRAFT AND ARTICLE VIII OF THE SOVIET  
DRAFT ARE SUBSTANTIALLY THE SAME. WHETHER THERE WILL BE ONE  
OR TWO PROTOCOLS WILL DEPEND, IN PART, ON THE OUTCOME OF THE  
EFFORTS OF WORKING GROUP II.

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4. TIMERBAEV'S REPLIES TO BUCHHEIM'S QUESTIONS ARE:

QUESTION (1): CONCERNING TITLE OF TREATY -- YES, USE  
THAT TITLE AD REFERENDUM.

QUESTION (2): CONCERNING JOINT DRAFT -- YES.

QUESTION (3): CONCERNING PREAMBLE PARAGRAPHS ABOUT  
TREATIES, TIMERBAEV AGREED TO MENTION DIFFERENCES IN SEQUENCE  
IN A FOOTNOTE. HE SAID WE WILL NEED TO WORK OUT A WAY, IN  
PREPARING COMPARATIVE JOINT TEXT, TO DEAL WITH FACT THAT  
TWO DRAFTS HAVE DIFFERENT NUMBERS OF ARTICLES.

QUESTION (7): WE NEED TO FIND WAYS OF DOING THIS IN  
PREAMBLE OR IN BRACKETS, BUT IN A FORM DIFFERENT THAN AN  
ARTICLE. IT IS A DIFFICULT PROBLEM AND WILL HAVE TO BE  
DEALT WITH.

QUESTION (8): AGREED THAT WORK ON LANGUAGE OF DEFINITIONS  
SHOULD BE DEFERRED UNTIL ALL DEFINITIONS ARE DISCUSSED BY  
GROUP TWO.

QUESTION (9): THE MEANINGS OF THE TWO DRAFTS (US ARTICLE  
III AND SOVIET ARTICLE II) ARE IN ESSENCE SIMILAR BUT NOT  
IDENTICAL. DIFFERENCE MAY BE PHILOSOPHICAL BUT SOVIETS DO NOT  
WANT TO CONVEY FEELING THAT PNES ARE EXCEPTIONAL (UNIQUE CASES).

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THEY ARE FOR THE BENEFIT OF MANKIND. MEANING IN SOVIET ARTICLE II IS INTENDED TO BE SIMILAR TO US ARTICLE III.

QUESTION (11): CONCERNING US ARTICLE IV, OUR STANDS ARE SIMILAR. SOVIETS DO NOT WANT USE OF PNE TO GAIN WEAPONS-RELATED BENEFITS. PREAMBLE PARAGRAPH CONVEYS THIS IDEA CLEARLY. DO NOT THINK WE NEED ARTICLE IN OPERATIVE PART OF TREATY. THE PREAMBLE IS SUFFICIENT TO CONVEY THE IDEA. ALSO, THE PROTOCOL IS INTENDED TO PROVIDE EACH SIDE WITH SUFFICIENT ASSURANCES THAT NO WEAPONS-RELATED BENEFITS WILL BE OBTAINED.

QUESTION (14): ARTICLE IV SOVIET DRAFT CONCERNING DATE MARCH 31, 1976, HAS SAME MEANING AS REFERENCE TO THAT DATE IN US ARTICLE I.

NO RESPONSE TO POINTS (4), (5), (6), (10), (12), (13), (15), (16), (17) AND (18).

5. AGREED TO HOLD RESTRICTED MEETING AT 10:30 AM OCTOBER 10.

6. IN PRIVATE CONVERSATION AFTER WORKING GROUP MEETING, BUCHHEIM TOLD TIMERBAEV THAT US SIDE ASKED FOR RESTRICTED MEETING TO EXPLORE MUTUALLY-SATISFACTORY WAYS TO EXAMINE BASIC PROBLEMS IN SOVIET DRAFT PROTOCOL ARTICLE IV. NOTED THAT SOVIET SIDE HAD STATED MAINLY FOLLOWING THREE OBJECTIONS TO US FORMULATIONS ON OBSERVER RIGHTS AND FUNCTIONS AND VIRTUALLY ENTIRE CONTENT OF US DRAFT PROTOCOL II.

(1) RIGHTS, FUNCTIONS AND PROCEDURES COULD MAKE POSSIBLE ACQUISITION OF INFORMATION BEYOND THAT NEEDED FOR VERIFICATION;

(B) PROVISIONS ARE COMPLEX AND NOT UNDERSTANDABLE TO LAYMAN;

(C) USE OF EQUIPMENT BROUGHT BY VERIFYING SIDE IS OBJECTIONABLE. NOTED THAT SOVIET SIDE HAD NOT EXPLAINED THESE CONCERNS AND SOUGHT SOLUTIONS, BUT HAD OVERCOME THEM BY SIMPLY DELETING MANY PROVISIONS; FOR EXAMPLE, SUBSTANTIALLY ALL OF US DRAFT PROTOCOL II HAS BEEN COLLAPSED INTO FIVE LINES OF TEXT IN SOVIET DRAFT PROTOCOL ARTICLE IV PARA 3 SUBPARA (C). STATED THAT US SIDE WISHES TO CONSIDER AND DEAL  
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WITH ABOVE THREE SOVIET CONCERNS AND ANY OTHERS, BUT THAT APPROACH REFLECTED IN SOVIET DRAFT HAD SET ASIDE ALL PROVISIONS FOR YIELD VERIFICATION IN GROUPS. PURPOSE OF RESTRICTED MEETING IS TO DISCUSS PRACTICAL WAYS TO ACCOUNT ADEQUATELY FOR CONCERNS EXPRESSED BY SOVIET SIDE WHILE RETAINING ESSENTIAL VERIFICATION PROVISIONS. TIMERBAEV SAID HE UNDERSTOOD AND

WILL TALK WITH MOROKHOV ABOUT THIS MATTER IN PREPARATION FOR RESTRICTED MEETING.

7. IN SAME PRIVATE CONVERSATION, BUCHHEIM ASKED TIMERBAEV IF HE COULD SAY ANYTHING MORE ABOUT SOVIET PROBLEM WITH US DRAFT TREATY ARTICLE VI. TIMERBAEV SAID SOVIETS THOUGHT LANGUAGE LIKE ARTICLE VI MIGHT OFFEND THIRD COUNTRIES BY INDICATING THAT TWO MAJOR POWERS WERE ACTING TOGETHER TO IMPOSE CONDITIONS AND LIMITATIONS ON PNES PROVIDED TO THIRD COUNTRIES WHEREAS NO CONDITIONS OR LIMITATIONS ARE MENTIONED IN NPT ARTICLE V. TIMERBAEV SAID THAT INTERNATIONAL AGREEMENT CALLED FOR IN NPT ARTICLE V NOT YET ESTABLISHED, BUT THAT IT WOULD BE DEVELOPED THROUGH IAEA PROCESSES INVOLVING BOTH US AND USSR AND "THEREFORE THERE IS NOTHING TO WORRY ABOUT." BUCHHEIM ASKED IF THERE WAS ANY POSSIBILITY THAT THE DRAFT TEXT PROPOSED BY THE SOVIET SIDE MIGHT CONTEMPLATE A FUTURE SITUATION IN WHICH, FOR EXAMPLE, YIELD LIMITATIONS ESTABLISHED IN BILATERAL PNE AGREEMENT WOULD NOT BE APPLICABLE TO PNES PROVIDED TO THIRD COUNTRIES. TIMERBAEV SAID "I DID NOT SAY THAT, BUT I DID NOT SAY THE OPPOSITE EITHER." BUCHHEIM SAID THIS POINT WILL NEED CLARIFICATION.

8. WHILE LEAFING THROUGH DRAFT SOVIET TEXT DURING ABOVE PRIVATE CONVERSATION TIMERBAEV POINTED TO DRAFT ARTICLES V AND VI AND SAID "I HOPE ALL THIS BALONEY WAS NOT TOO MUCH FOR YOU." BUCHHEIM SAID US SIDE TOOK SOVIET DRAFT ARTICLES SERIOUSLY BUT WOULD HAVE SOME COMMENTS SHORTLY. ALSO SAID THE DRAFT LANGUAGE MIGHT BE VIEWED AS SOMEWHAT PECULIAR IN A TREATY. TIMERBAEV UNDERLINED THE WORD "WILL" IN SEVERAL PLACES IN SOVIET ARTICLE V AND URGED CAREFUL ATTENTION TO USE OF THAT WORD. HE SAID THAT SOVIET LANGUAGE REFERRING TO FUTURE DETERMINATIONS BY AGREEMENT BETWEEN THE PARTIES SEEMED TO HIM TO BE CONSISTENT IN INTENDED MEANING WITH US USE OF PHRASE "FROM TIME TO TIME."

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9. AT END OF PRIVATE CONVERSATION, SAFRONOV CAME IN TO INFORM TIMERBAEV THAT WORKING GROUP II HAD RECESSED UNTIL MONDAY WITHOUT DISCUSSING SOVIET PROTOCOL ARTICLE IV. BUCHHEIM ASKED IF SOVIET SIDE WAS PREPARED TO DESCRIBE THEIR VIEWS OF ARTICLE IV IN A WORKING GROUP MEETING TOMORROW. SAFRONOV SAID YES. TIMERBAEV SAID THAT THEN A MEETING SHOULD BE ARRANGED AND RESULTS OF RESTRICTED MEETING IN MORNING COULD HELP GUIDE THAT DISCUSSION.  
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